

Serial No. 09/732,837

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PD-990309

REMARKS

Applicant wishes to thank the Examiner for considering the present application. In the Office Action dated September 21, 2005, claims 1-10 are pending in the application. Applicant respectfully requests the Examiner for reconsideration of the claims.

The drawings stand objected to under 37 CFR §1.83(a). The Examiner states that “ ‘second teleport station coupled to the first teleport station through said optical fiber network and said satellite’ must be shown or the feature(s) canceled from the claim(s).” Applicant respectfully submits that this feature is illustrated in Fig. 6, namely, a first teleport station 20 is shown on the North American continent and a second teleport station 20 is shown on the European continent. This is also shown in Fig. 5. Both figures have a long haul optical fiber 38 that crosses the Atlantic Ocean and a satellite 18. Therefore, Applicant respectfully submits that each of the features is illustrated.

Claims 1-3, 5-8 and 10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Adiwozo* (6,067,453) in view of *Ionov* (6,912,075). Claims 1 and 3-10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Dillon* (5,852,721) in view of *Ionov*.

Both of these rejections use the *Ionov* reference. The *Ionov* reference does not qualify as a reference under §103(c). That is, the *Ionov* reference was owned by the same person or subject to an obligation of assignment to the same person. That is, the *Ionov* reference was assigned to Hughes Electronics Corporation. The present invention was also under an obligation to assign to Hughes Electronics Corporation at the time of filing. The *Ionov* reference issued after the filing date of the present application and therefore is a §102(e) type reference. Thus, under §103(c), the *Ionov* reference may be excluded from use by the Examiner. Therefore, each of the rejections is now believed to be overcome.

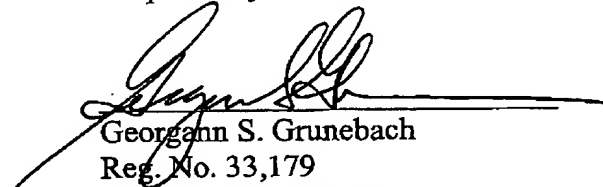
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In light of the remarks above, Applicant submits that all objections and rejections are now overcome. The application is now in condition for allowance and expeditious notice thereof is earnestly solicited. Should the Examiner have any questions or comments, the Examiner is respectfully requested to contact the undersigned attorney.

Respectfully submitted,



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